

UNITED STATES OF AMERICA
UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JEFFREY ASKANAZI, M.D,)	
)	
Plaintiff,)	Case No. 1:07-cv-199
)	
v.)	Honorable Robert Holmes Bell
)	
TIAA-CREF,)	
)	<u>MEMORANDUM OPINION</u>
Defendant.)	
)	

On February 5, 2008, Magistrate Judge Scoville entered a 13-page report and recommendation (docket # 36) recommending that defendant's motion for summary judgment (docket # 30) be granted, and that judgment be entered in defendant's favor. The matter is now before the court for *de novo* review pursuant to 28 U.S.C. § 636(b)(1) and Rule 72(b) of the Federal Rules of Civil Procedure on plaintiff's objections to the report and recommendation. (docket # 37).

Plaintiff does not attempt to refute any of the magistrate judge's proposed findings of fact. Plaintiff has not identified any error in the magistrate judge's analysis. Plaintiff's objections are not based on any legal authority. The objections consist of the following sentences:

The key issue here is one of fiduciary duty and loyalty, both called for and not received. Thus, I request that this case proceed to trial.

Plaintiff's general objection to the report and recommendation does not suffice. A general objection is considered a failure to object. *See Spencer v. Bouchard*, 449 F.3d 721, 725 (6th Cir. 2006);

Cowherd v. Million, 380 F.3d 909, 912 (6th Cir. 2004). Plaintiff's failure to file specific objections constitutes a waiver. Accordingly, the court finds that petitioner has waived any objections.

Assuming *arguendo* that plaintiff had filed specific objections, the court finds the report and recommendation's statement of facts, analysis, and recommendation are all correct. Defendant's motion for summary judgment will be granted because plaintiff's claims are indisputably meritless and defendant is entitled to judgment in its favor as a matter of law.

Conclusion

For the reasons set forth herein, plaintiff's objections to the report and recommendation will be deemed waived. Alternatively, plaintiff's objections will be overruled. The report and recommendation will be adopted as the court's opinion, defendant's motion for summary judgment will be granted and the court will enter a judgment in defendant's favor on all plaintiff's claims.

Date: February 25, 2008

/s/ Robert Holmes Bell

ROBERT HOLMES BELL

CHIEF UNITED STATES DISTRICT JUDGE